

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: July 6, 2009

OFFICE CORRESPONDENCE FILE NO. FO2222514

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: MATHEW A. DENDO, CAPTAIN
LENNOX STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on June 24, 2008.

The Committee met on June 11, 2009, and consisted of me and Commanders Stephen B. Johnson, Custody Operations Division, and Jack Jordan, Detective Division. The Committee determined the use of force by Deputy **Casey Cheshier** #[redacted] Deputy [redacted] #[redacted] Deputy **Ervin Francois** #[redacted] and **Deputy** [redacted] #[redacted] was within Department policy.

Please advise the deputies of this finding.

EBS:YLW/ylw

TABLE OF CONTENTS
FO#2222514

MISCELLANEOUS DOCUMENTS

Admonition forms
JAIN Printout of [redacted]
CII Printout of [redacted]
CCHRS Printout of [redacted]
Tag number printout for incident
Deputy Daily Worksheets of Involved Deputies
Unit History's of Involved Deputies
Copy of map drawn by Deputy [redacted] depicting his placement
(2) Compact Disc's provided by Sergeant Brandon of Witness audio statements and Subject [redacted] injuries

Los Angeles County Sheriff's Department

S_ervisor's Report on Use of _rce

Incident Information

URN: 4 0 8 - 0 6 7 1 9 - 0 3 8 0 - 1 4 5 | Date: 6/24/08 | Time: 2200 hours

Location: 104th Street at Condon Avenue | City or Station: Lennox

Bureau/Station/Facility: Region II/Lennox Station | Admin. Investigation: YES ☐ NO ☒

Type of Force: Personal Weapon, Taser

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☐ Call | ☒ Observation | ☐ Detail | ☐ Foot Pursuit | ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lieutenant Porlier | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Cheshier	Casey	

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Lennox Station | Work Assignment (Unit #, Module, etc.): 30W1

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6' 3 | Weight: 195

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: O | Unit of Assignment: Lennox Station | Work Assignment (Unit #, Module, etc.): 30W1

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5' 8 | Weight: 170

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Francois	Ervin	

Sex: ☒ Male ☐ Female | Race: B | Unit of Assignment: Lennox Station | Work Assignment (Unit #, Module, etc.): 30WS

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5'10 | Weight: 190

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Brandon	Glenn		Sgt	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Weber	Robert	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Guevara	David	

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Laura Haynes | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO# 2222514

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
408 - 06719 - 0380 - 145

Suspect Information

S 1

Last Name [redacted] First Name [redacted] Middle Name

AKA Last Name First Name Middle Name

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 15 | Height: 5'09 | D.O.B. [redacted] | Weight: 155 | Armed? ☐

Booking #: [redacted] Primary Charge Code: 69 PC Secondary Charge Code: 529.3 PC Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: LA County Fire Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Centinela Hospital Coroner Case #: ______ Mental History ☐

By Doctor: Jay Azari Address: 555 East Hardy Street, Inglewood Phone #: 310-673-4660

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: 06-25-08 | Time: 0500 | ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name First Name Middle Name

AKA Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name First Name Middle Name

AKA Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
4 0 8 - 0 6 7 1 9 - 0 3 8 0 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	
[redacted]	Brandon	Glenn	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		39	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Cheshier	E#1	[redacted]	S#1	TD		CH
[redacted]	S#1	Cheshier	E#1	PH	NN	HE
[redacted]	E#2	[redacted]	S#1	CT		AR
[redacted]	S#1	[redacted]	E#2	PH	NN	CH
[redacted]	E#2	[redacted]	S#1	PH	FR	FA
[redacted]	S#1	[redacted]	E#2	RS	NN	
[redacted]	S#1	Cheshier	E#1	RS	NN	
[redacted]	S#1	Francois	E#3	RS	NN	
Francois	E#3	[redacted]	S#1	PO		HI
Francois	E#3	[redacted]	S#1	PH	FR	FA
Cheshier	E#1	[redacted]	S#1	PH	FR	FA
Cheshier	E#1	[redacted]	S#1	CT		HD
[redacted]	E#4	[redacted]	S#1	TR	PW	AR
[redacted]	S#1	[redacted]	E#4	RS	NN	
Francois	E#3	[redacted]	S#1	CT		AR
Francois	E#3	[redacted]	S#1	RH		HD
Francois	E#3	[redacted]	S#1	PH		CH

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
4 0 8 - 0 6 7 1 9 - 0 3 8 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	H	Lennox Station	30W3

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	5' 07	180

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [X] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E_

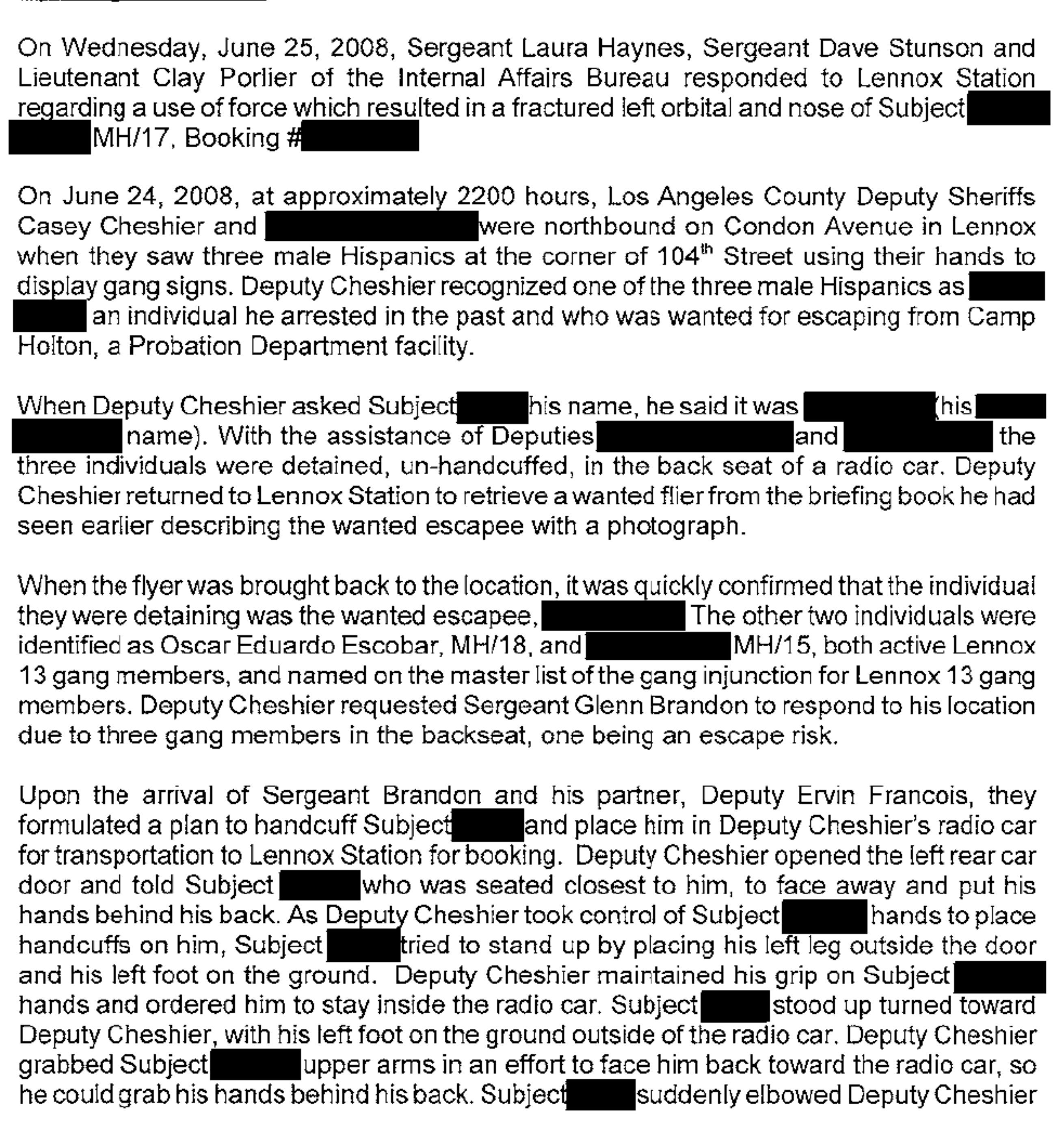
Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

INVESTIGATIVE SUMMARY
USE OF FORCE - BONE FRACTURE
INTERNAL AFFAIRS BUREAU IV #FO2222514
URN: 408-06719-0380-145



Opening Statement:

On Wednesday, June 25, 2008, Sergeant Laura Haynes, Sergeant Dave Stunson and Lieutenant Clay Porlier of the Internal Affairs Bureau responded to Lennox Station regarding a use of force which resulted in a fractured left orbital and nose of Subject [redacted] MH/17, Booking # [redacted]

On June 24, 2008, at approximately 2200 hours, Los Angeles County Deputy Sheriffs Casey Cheshier and [redacted] were northbound on Condon Avenue in Lennox when they saw three male Hispanics at the corner of 104th Street using their hands to display gang signs. Deputy Cheshier recognized one of the three male Hispanics as [redacted] an individual he arrested in the past and who was wanted for escaping from Camp Holton, a Probation Department facility.

When Deputy Cheshier asked Subject [redacted] his name, he said it was [redacted] (his [redacted] name). With the assistance of Deputies [redacted] and [redacted] the three individuals were detained, un-handcuffed, in the back seat of a radio car. Deputy Cheshier returned to Lennox Station to retrieve a wanted flier from the briefing book he had seen earlier describing the wanted escapee with a photograph.

When the flyer was brought back to the location, it was quickly confirmed that the individual they were detaining was the wanted escapee, [redacted] The other two individuals were identified as Oscar Eduardo Escobar, MH/18, and [redacted] MH/15, both active Lennox 13 gang members, and named on the master list of the gang injunction for Lennox 13 gang members. Deputy Cheshier requested Sergeant Glenn Brandon to respond to his location due to three gang members in the backseat, one being an escape risk.

Upon the arrival of Sergeant Brandon and his partner, Deputy Ervin Francois, they formulated a plan to handcuff Subject [redacted] and place him in Deputy Cheshier's radio car for transportation to Lennox Station for booking. Deputy Cheshier opened the left rear car door and told Subject [redacted] who was seated closest to him, to face away and put his hands behind his back. As Deputy Cheshier took control of Subject [redacted] hands to place handcuffs on him, Subject [redacted] tried to stand up by placing his left leg outside the door and his left foot on the ground. Deputy Cheshier maintained his grip on Subject [redacted] hands and ordered him to stay inside the radio car. Subject [redacted] stood up turned toward Deputy Cheshier, with his left foot on the ground outside of the radio car. Deputy Cheshier grabbed Subject [redacted] upper arms in an effort to face him back toward the radio car, so he could grab his hands behind his back. Subject [redacted] suddenly elbowed Deputy Cheshier

in the head with his left elbow, attempting to push past Deputy Cheshier. Deputy Cheshier managed to grab Subject [redacted] in the upper chest area and they both fell to the ground.

Subject [redacted] landed on his back, with Deputy Cheshier off to his left side. Once on the ground Subject [redacted] was wildly punching Deputy Cheshier on top of his head. As Deputy Cheshier ordered him to stop fighting, he punched Subject [redacted] five to six times on the left side of his face. Deputy Francois saw Deputy Cheshier trying to maintain control of Subject [redacted] and Deputy Francois, believing Deputy Cheshier would be assaulted further, placed his right knee on Subject [redacted] right hip area. Deputy Francois grabbed Subject [redacted] right wrist with his left hand and punched Subject [redacted] in the face with his right hand. Deputy Cheshier was still maintaining control of Subject [redacted] left side of his body.

Deputy Francois ordered Subject [redacted] to stop fighting but Subject [redacted] continued his assault on the deputies, pulling his right arm free from Deputy Francois' hold, attempting to punch Deputy Francois in the face. Deputy Francois again grabbed Subject [redacted] right wrist with his left hand and elbowed him twice in the upper right chest to stop Subject [redacted] from his continued assault.

Deputy [redacted] assisted Deputies Cheshier and Francois in gaining control of Subject [redacted] by grabbing Subject [redacted] arms while he was on the ground fighting against deputies. Subject [redacted] punched Deputy [redacted] on his chest so he struck Subject [redacted] five to seven times on his forehead and the right side of his face with his right fist.

Subject [redacted] was wildly fighting against the deputies and was able to flip himself over onto his stomach and tried to push himself up off the ground. Sergeant Brandon directed Deputy [redacted] who had been designated with the TASER to deploy the TASER on Subject [redacted] to stop his assault against the deputies. Once Sergeant Brandon directed the TASER to be deployed, the deputies, Deputies Cheshier, Francois and [redacted] disengaged from Subject [redacted] so as not to be affected by the TASER. The TASER cycled once for five seconds but did not seem to have any effect on Subject [redacted] who tried to push himself up off the ground. Deputy [redacted] cycled the TASER a second time for another five seconds. While Deputies Cheshier and [redacted] held Subject [redacted] down, Deputy Francois was able to handcuff him without any further incident. Paramedics responded to treat Subject [redacted] where he was transported to Centinela Medical Center.

> **IAB Note**: Due to the pre planning by Deputy Cheshier to request Sergeant Brandon to be present for the handcuffing of Subject [redacted] Emergency "10-33" traffic was not put out over the radio that deputies were involved in a fight. Sergeant Brandon witnessed the use of force and directed the deployment of the TASER.

The two other individuals detained in the radio car, Mr. Escobar and Mr. [redacted] did not attempt to leave and both were transported for booking at Lennox station.

IAB Note: The Deputies were asked about the availability and use of Oleoresin Capsicum (OC) pepper spray and provided answers which are detailed in the verbatim transcripts. OC spray was not deployed so as not to affect law enforcement personnel.

INVOLVED PERSONNEL:

Deputy Casey Cheshier # [redacted]
Field Operations Region II
Lennox Station

Work History:
Date of Employment: 07-20-2000
Date Assigned to Patrol: [redacted]
Date Completed Patrol: [redacted]

Deputy [redacted] ***#*** [redacted]
Field Operations Region II
Lennox Station

Work History:
Date of Employment: 09-23-1999
Date Assigned Patrol: [redacted]
Date Completed Patrol: [redacted]

Deputy Ervin Francois # [redacted]
Field Operations Region II
Lennox Station

Work History:
Date of Employment: 11-10-1998
Date Assigned Patrol: [redacted]
Date Completed Patrol: [redacted]

Deputy [redacted] **#**[redacted]
Field Operations Region II
Lennox Station

Work History:
Date of Employment: 07-03-2000
Date Assigned Patrol: [redacted]
Date Completed Patrol: [redacted]

Sergeant Glenn Brandon #[redacted]
Field Operations Region II
Lennox Station

Present at Incident, Directed Force

Deputy [redacted] **#**[redacted]
Field Operations Region II
Lennox Station

Date of Hire: [redacted]
Date Assigned Patrol: [redacted]
Date Completed Patrol: [redacted]

SUBJECT:

[redacted] MH/05-15-93, 5'09", 155 pounds, Black Hair, Brown Eyes
[redacted]

CRIMINAL HISTORY:

Subject [redacted] who goes by the moniker "Crook," was sentenced to Juvenile Camp. His criminal history [redacted]

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

WITNESSES:

Subject [redacted] was interviewed by Sergeant Laura Haynes, Sergeant David Stunson and Lieutenant Porlier at Lennox Sheriff station. He was detained along with Subject [redacted] and Suspect Escobar in the backseat of the radio car, and ultimately transported and booked at Lennox station for loitering and violation of the gang injunction. Subject [redacted] said he was walking back from the park with his friends when they were detained in the back seat of the radio car. Subject [redacted] said "the cops" opened the driver's side rear passenger's door and told Subject [redacted] to step out of the radio car and put his hands behind his back, which he did, and was handcuffed. Subject [redacted] said "the cops" kept saying, "Why are you resisting?" but to Subject [redacted] it did not look like Subject [redacted] was resisting. After Subject [redacted] was taken from the radio car Subject [redacted] said he heard "commotion" but could not see what was happening.

Suspect Oscar Escobar refused to be interviewed or answer questions regarding the incident. He was detained along with Subject [redacted] and Subject [redacted] in the backseat of the radio car, and was ultimately transported to and booked at Lennox station for loitering and violation of the gang injunction.

Ms. [redacted] FH/Adult, [redacted]

Ms. [redacted] initially contacted Sergeant Brandon after the use of force incident to relay her displeasure at what she witnessed. When Sergeant Brandon asked her to make a statement, she refused. Sergeant Brandon said he canvassed the neighborhood for additional witnesses but could find none that actually witnessed the use of force except for Ms. [redacted] who said although she witnessed the force, did not want to talk to him.

Sergeant Stunson and Sergeant Haynes returned to the neighborhood and contacted Ms. [redacted] whose residence is west of the location where the incident occurred. Initially Ms. [redacted] did not want to talk to us because she was so upset. She then told us she watched as the deputies "yanked him out" of the car and it appeared to her as if the male Hispanic "tripped" because they landed on "the floor" (i.e., the ground). Ms. [redacted] said at no time was the male Hispanic trying to run away. She stated the deputies began using foul language and were fighting with the male Hispanic on the ground when they used the TASER, which in her opinion, was not necessary because they were already on "the floor" struggling (refer to **EXHIBIT C**, photos taken from the viewpoint of Ms. [redacted]. Ms. [redacted] said after she saw the TASER used on the male Hispanic she ran out, asking the deputies what they were doing, saying that it was not okay. She said Sergeant Brandon then asked her if she would make a statement on what she saw but she refused.

> **IAB Note:** The photographs in **Exhibit C** were taken at approximately 0730 hours on June 25, 2008, whereas the use of force took place at 2200 hours, on June 24, 2008.

Mr. [redacted] MH/Adult [redacted]

Mr. [redacted] was interviewed on June 25, 2008 by Sergeant Laura Haynes and Sergeant David Stunson, after the interview with Ms. [redacted] He spoke very broken English and was difficult to understand. It was determined that Mr. [redacted] did not witness the use of force, and only saw the paramedics arrive.

INJURIES:

No deputies were injured as a result of the use of force.

Subject [redacted] was treated for a fractured nose and a left orbital fracture (refer to **EXHIBIT B**, photographs of Subject [redacted] injuries and gang tattoo).

PHYSICAL EVIDENCE:

Sergeant Brandon was contacted regarding the data available from the use of the TASER. He indicated the TASERs carried and used by the Summer Enforcement team are not checked out and it would be impossible to determine which TASER was used that night on Subject [redacted] to download any data.

> **IAB Note:** At the time of the incident Sergeant Haynes requested a copy of the in service which would reflect the units deployed in the Lennox Station area, including those involved in the use of force. She was told the Summer Enforcement Team units were not listed on the in service because of their specialized assignment. Therefore, the in service is not included in the case.

INVESTIGATOR'S OBSERVATIONS:

The location of the use of force was not held for investigators due to there was nothing unusual to report regarding the area. Sergeant Stunson looked out the same window in the residence of Witness Ms. [redacted] Given the late hour of the incident, the bars on the window and the shrubbery surrounding the window, it is hard to determine the extent of what Ms. [redacted] actually witnessed, as the majority of the force took place on the ground between several cars in the street.

WEAPONS USED BY PERSONNEL:

Personal weapons and TASER.

WEAPONS USED BY SUBJECT:

Personal weapons.

PROPERTY DAMAGE:

N/A

CRIMINAL INVESTIGATOR/CHARGES FILED:

Operation Safe Streets Bureau filed; 69 P.C., 4532(b)(2) P.C., 243(b) P.C., and 148 P.C.

LIGHTING/WEATHER:

Clear and dark, with illumination from streetlights.

INVOLVED EMPLOYEE STATEMENTS:

Sergeant Glenn Brandon #[redacted]

Sergeant Glenn Brandon was interviewed at Lennox Station in one of the Detective Bureau interview rooms by Sergeant Laura Haynes and Sergeant David Stunson.

Sergeant Brandon responded to the location at the request of Deputy Cheshier to assist with three gang members he had detained in the backseat of his patrol car while he confirmed the identity of one as a wanted escapee from Camp Holton. Once at the location, Sergeant Brandon and the deputies formulated a plan to handcuff Subject [redacted] Sergeant Brandon designated Deputies Cheshier, [redacted] and Francois to remove and handcuff Subject [redacted] from the backseat, and Deputy [redacted] would cover with the TASER if needed. Sergeant Brandon said as the back door was opened slightly, Deputy Cheshier ordered Subject [redacted] to face away from him with his hands behind his back. At first Subject [redacted] complied, then he placed his left foot on the ground outside of the driver's side rear car door and started pushing against Deputy Cheshier. Sergeant Brandon said he was standing behind Deputy Cheshier and saw Subject [redacted] swing his left elbow backward, striking Deputy Cheshier either in the face or head. Due to the placement of Sergeant Brandon behind Deputy Cheshier, he could not see where the strike landed. Deputy Cheshier grabbed hold of Subject [redacted] in the upper torso area and both went to the ground.

As Subject [redacted] continued to punch wildly at Deputy Cheshier who was struggling with the subject, Deputies [redacted] and Francois came to assist. Sergeant Brandon said Subject [redacted] continued to fight the deputies and it appeared he was trying to push himself off the ground. At this time, Sergeant Brandon said he remembered thinking to himself, "This is enough," and he directed Deputy [redacted] to use the TASER on him. Sergeant Brandon said the first cycle of the TASER hit the subject in the right arm and he continued to try and get up. The TASER was cycled again and Subject [redacted] rolled onto his stomach where he was handcuffed by Deputy Francois without further incident.

Deputy [redacted]

Deputy [redacted] was interviewed at Lennox Station in one of the Detective Bureau interview rooms by Sergeant Laura Haynes and Sergeant David Stunson.

Deputy [redacted] said he and his partner, Deputy [redacted] responded to a back up request by Deputy Cheshier. Upon their arrival three males were detained in the back seat of a radio car, and one female was detained, standing outside of the radio car. Additionally Sergeant Brandon arrived with Deputy Francois. Deputy [redacted] said he was directed to talk to the female Hispanic as she was Spanish speaking only, and Deputy [redacted] is bilingual. Deputy [redacted] said as he was talking to the female he was also monitoring his partners. Deputy [redacted] said the next thing he saw was "them all go to the floor" (i.e., the ground) so he went around to the side of the patrol car to where the deputies were. He saw the deputies on the ground fighting with the subject. Although Deputy [redacted] said he wanted to assist his partners he still had to maintain a visual on the female and simultaneously he heard "someone" yell, "Tase him." Deputy [redacted] confirmed after the first cycle of the TASER the subject continued to fight so he cycled the TASER again and was handcuffed.

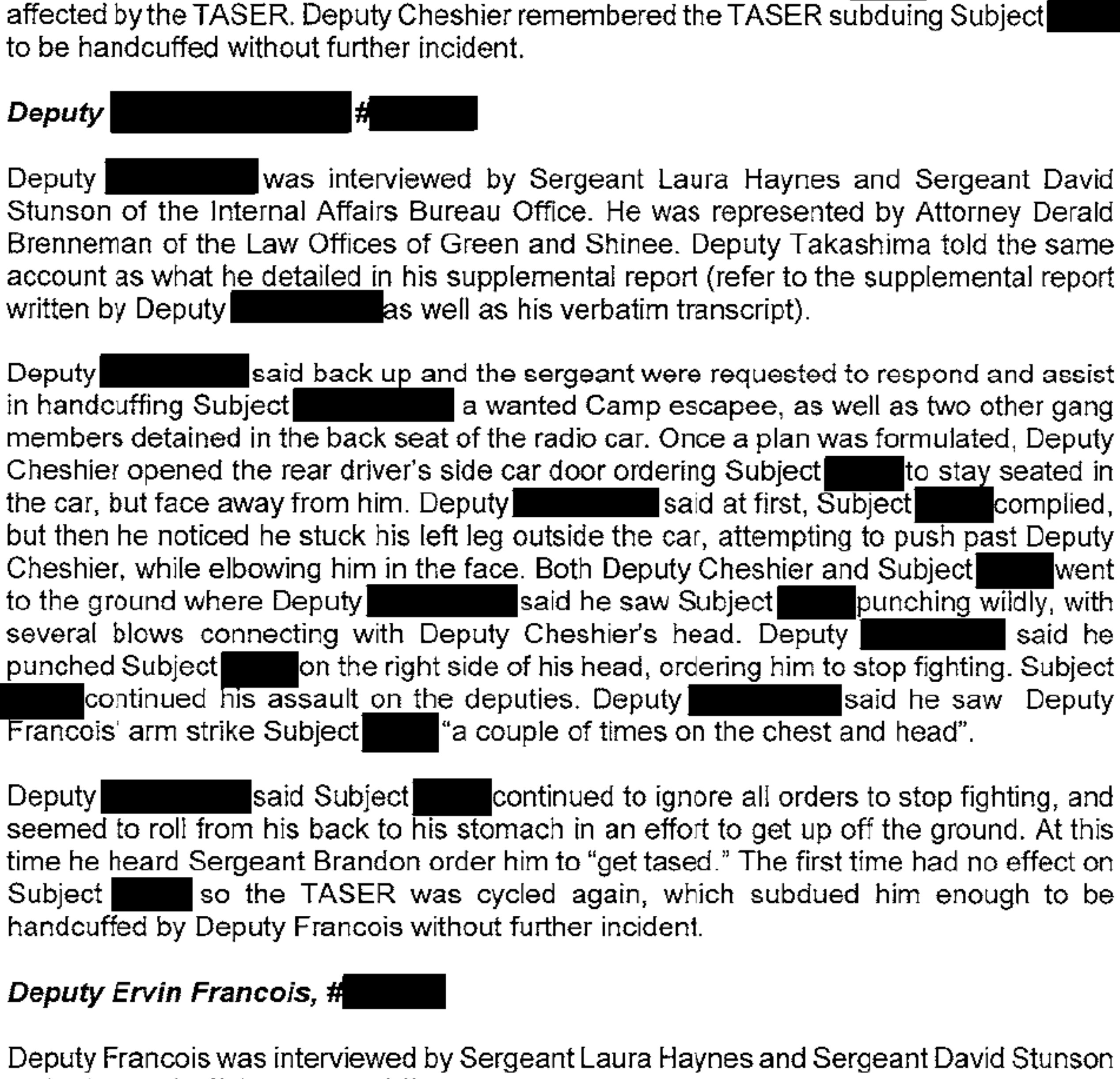
Deputy [redacted] said he believed Sergeant Brandon gave the direction to deploy the TASER on Subject [redacted] but was not positive and he did not see who handcuffed Subject [redacted]

> **IAB Note**: The female initially detained by Deputy [redacted] was not involved in the incident and was allowed to leave.

Deputy Casey Cheshier , #[redacted]

Deputy Cheshier was interviewed by Sergeant Laura Haynes and Sergeant David Stunson at the Internal Affairs Bureau Office. He was represented by Attorney Derald Brenneman of the Law Offices of Green and Shinee. Deputy Cheshier told the same account as what he detailed in his Incident Report (refer to the Incident Report written by Deputy Cheshier as well as verbatim transcript).

Deputy Cheshier said he recognized Subject [redacted] from previous arrests and remembered he was wanted for escaping from a Probation Department Camp. He detained all three males and a female, and requested back up, as well as his sergeant. Once a plan was formulated to handcuff Subject [redacted] the rear driver's side door was opened and Subject [redacted] attempted to push past Deputy Cheshier, elbowing him in the head. Deputy Cheshier and Subject [redacted] went to the ground, where Subject [redacted] began punching wildly in what seemed to be an attempt to escape. Deputy Cheshier said he received several punches from Subject [redacted] so he punched Subject [redacted] approximately five or six times to the left side of his face, telling him to stop fighting. He is unsure which deputy assisted in helping gain control of Subject [redacted] or what their use of force was, but remembers hearing



Sergeant Brandon yell, "Tase him," so he disengaged from Subject [redacted] so as not to be affected by the TASER. Deputy Cheshier remembered the TASER subduing Subject [redacted] to be handcuffed without further incident.

Deputy [redacted]#[redacted]

Deputy [redacted] was interviewed by Sergeant Laura Haynes and Sergeant David Stunson of the Internal Affairs Bureau Office. He was represented by Attorney Derald Brenneman of the Law Offices of Green and Shinee. Deputy Takashima told the same account as what he detailed in his supplemental report (refer to the supplemental report written by Deputy [redacted] as well as his verbatim transcript).

Deputy [redacted] said back up and the sergeant were requested to respond and assist in handcuffing Subject [redacted] a wanted Camp escapee, as well as two other gang members detained in the back seat of the radio car. Once a plan was formulated, Deputy Cheshier opened the rear driver's side car door ordering Subject [redacted] to stay seated in the car, but face away from him. Deputy [redacted] said at first, Subject [redacted] complied, but then he noticed he stuck his left leg outside the car, attempting to push past Deputy Cheshier, while elbowing him in the face. Both Deputy Cheshier and Subject [redacted] went to the ground where Deputy [redacted] said he saw Subject [redacted] punching wildly, with several blows connecting with Deputy Cheshier's head. Deputy [redacted] said he punched Subject [redacted] on the right side of his head, ordering him to stop fighting. Subject [redacted] continued his assault on the deputies. Deputy [redacted] said he saw Deputy Francois' arm strike Subject [redacted] "a couple of times on the chest and head".

Deputy [redacted] said Subject [redacted] continued to ignore all orders to stop fighting, and seemed to roll from his back to his stomach in an effort to get up off the ground. At this time he heard Sergeant Brandon order him to "get tased." The first time had no effect on Subject [redacted] so the TASER was cycled again, which subdued him enough to be handcuffed by Deputy Francois without further incident.

Deputy Ervin Francois, #[redacted]

Deputy Francois was interviewed by Sergeant Laura Haynes and Sergeant David Stunson at the Internal Affairs Bureau Office. He was represented by Attorney Derald Brenneman of the Law Offices of Green and Shinee. Deputy Francois told the same account as what he detailed in his supplemental report (refer to the supplemental report written by Deputy Francois as well as his verbatim transcript).

Deputy Francois said he responded to the location with Sergeant Brandon at the back up request of Deputy Cheshier. Once there they were briefed on the situation and what needed to transpire to safely handcuff Subject [redacted] a wanted Camp escapee. Deputy Francois said Deputy Cheshier attempted to handcuff Subject [redacted] while he was seated in the back of the radio car, but Subject [redacted] continued to place his left leg on the ground, trying to stand up. Deputy Francois said Deputy Cheshier continued to order the suspect

to stay seated in the car, but Subject [redacted] sprang up and threw his elbow at Deputy Cheshier hitting him in the face. Deputy Francois said both Deputy Cheshier and Subject [redacted] fell backwards on the ground, and Subject [redacted] rolled toward Deputy Chehsier, hitting him again on the top of his head. Deputy Francois said upon seeing Subject [redacted] assault on Deputy Cheshier, he placed his right knee on Subject [redacted] left hip, grabbed hold of his left wrist with his left hand, and punched him twice in the face to stop Subject [redacted]

Deputy Francois said Subject [redacted] continued to punch upward, attempting to punch Deputy Francois in the face, but Deputy Francois again grabbed the subject's left wrist and hit him twice in the chest with his elbow. Deputy Francois said at this time, he heard Sergeant Brandon tell Deputy [redacted] to deploy the TASER on Subject [redacted] He said he heard the TASER cycle, but it had no effect on Subject [redacted] because he continued to fight. Deputy Francois said Deputies Cheshier and [redacted] were able to hold Subject [redacted] down and gain control so he could handcuff Subject [redacted] without further incident.

Deputy [redacted] #[redacted]

Deputy [redacted] was interviewed by Sergeant Laura Haynes and Sergeant David Stunson at the Internal Affairs Bureau Office. He was represented by Attorney Derald Brenneman of the Law Offices of Green and Shinee. Deputy [redacted] told the same account as what he detailed in his supplemental report (refer to supplemental report written by Deputy [redacted] as well as his verbatim transcript).

Deputy [redacted] said he saw Deputy Cheshier and Subject [redacted] go to the ground, after Subject [redacted] attempted to escape from the back seat of the radio car. Deputies [redacted] and Francois assisted Deputy Cheshier, who was getting punched by the Subject. Sergeant Brandon directed Deputy [redacted] to deploy the TASER on Subject [redacted] Deputy [redacted] cycled the TASER once and Subject [redacted] grabbed his right tricep, yelling in pain, but continued to fight against the deputies. Deputy [redacted] cycled the TASER two more times but it did not have any effect on the combative subject. He said at this time the deputies were able to subdue the subject enough for him to be handcuffed.

> **IAB Note**: Deputy [redacted] said he later learned Subject [redacted] had ripped out one of the barbs, so although the TASER was working, the full effect was not reaching the subject.

SUBJECT [redacted] STATEMENTS:

Subject [redacted] said he was walking back from a nearby park with Subject [redacted] and Suspect Escobar when they were stopped by deputies and placed in the back seat of the patrol car. After more patrol cars arrived, he said he was then asked to step out of the car. As he tried to step out Subject [redacted] said the deputy started pulling him out and asked him why he was trying to run. Subject [redacted] denied trying to escape from the backseat of the patrol car and said, "The cops grabbed me and just started hitting me all over." He said the

deputies then deployed the TASER on him for no reason. When asked if he knew why he was being detained he said it was for a gang injunction, but denied being a gang member. During the interview Subject [redacted] denied that he was [redacted] and said his name was [redacted]